

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

ICM CONTROLS CORP.

Plaintiff,

vs.

CIVIL NO. 5:09-CV-1290
(NPM/DEP)

MICREL, INCORPORATED

Defendants.

JUDGMENT DISMISSING ACTION BY REASON OF SETTLEMENT

The Court has been advised by counsel that this action has been settled, or is in the process of being settled. Counsel has also advised the Court that no infant or incompetent is a party to this action. Accordingly, pursuant to N.D.N.Y.L.R. 68.2(a), it is hereby

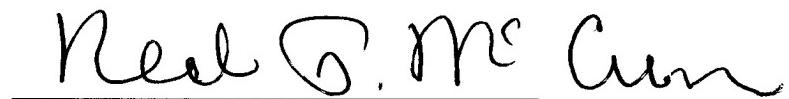
ORDERED that:

- 1) The above captioned case is hereby **DISMISSED** in its entirety **without prejudice** to re-opening upon the motion of any party within thirty days of the date of the filing of this order upon a showing that the settlement was not consummated;
- 2) The dismissal of the above captioned case shall become **with prejudice** on the thirty-first day after the date of the filing of this order unless

any party moves to re-open this case within thirty days of the date of filing of this order upon a showing that the settlement was not consummated. Upon completion of settlement, the parties are directed to exchange general releases and file a **Stipulation of Discontinuance** with the Court that must include language "that no party hereto is an infant or incompetent" in compliance with N.D.N.Y.L.R. 41.3; and

- 3) The Clerk shall serve by electronic means copies of this Judgment upon the attorneys for the parties appearing in this action.

IT IS SO ORDERED.


Neal P. McCurn
Neal P. McCurn
Senior U.S. District Judge

Dated: October 19, 2010
Syracuse, New York